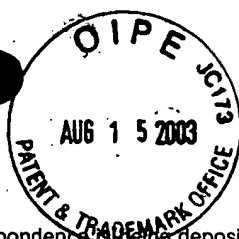


CERTIFICATE OF MAILING



PATENT

Docket No. 2089CON2 (203-2413CON2)

I hereby certify that this correspondence was deposited with the United States Postal Service on the date shown with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 2/6/02.

By: _____

Edward C. Meagher

Date: 2/6/02

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : THOMAS PATRICK RYAN

TITLE : APPARATUS AND METHOD FOR SEALING AND CUTTING
TISSUE

SERIAL NO. : 09/992,301

FILED : November 14, 2001

PARENT
EXAMINER : GLENN DAWSON

RECEIVED
AUG 19 2003
OFFICE OF PETITIONS

**RESPONSE TO NOTICE OF OMITTED ITEM(S)
IN A NON-PROVISIONAL APPLICATION**

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Communication dated December 6, 2001, Applicant hereby submits the missing Fig. 17 drawing which was erroneously not included in with the originally-submitted papers filed on November 14, 2001 for the above-identified continuation application.

Applicant respectfully submits that even though the Fig. 17 drawing page was not

included with the filing papers on November 14, 2001 for the above application, the Fig. 17 drawing page is still, in fact, part of the present disclosure since the Fig. 17 drawing was included with the filing of the original parent application, namely, U.S. Application Serial No. 08/925,805 filed on September 9, 1997 (now U.S. Patent No. 6,267,761). *(The present application claims the benefit of priority to U.S. Application Serial No. 09/591,328 filed on June 9, 2000 which is a continuation U.S. Application Serial No. 08/925,805 filed on September 9, 1997).*

In view thereof, Applicant respectfully submits that the entire application including the Fig. 17 drawing page is in fact part of the present application as filed. Moreover, the present application including the Fig. 17 drawing page is entitled to claim both the November 14, 2001 filing date and the benefit of priority to the September 9, 1997 priority date of the original parent application, namely, U.S. Application Serial No. 08/925,805.

In support thereof, Applicant has also filed concurrently herewith:

- 1) a Petition under 37 CFR §1.182;
- 2) a Petition fee of \$130.00; and
- 3) a copy of the original Oath and Declaration filed with U.S. Application Serial No. 08/925,805 on September 9, 1997.

If the Initial Patent Examination Division of the PTO should have any questions concerning the above, the PTO officer is respectfully invited to contact Applicant's attorney of record at the phone number listed below.

Respectfully submitted,

By: _____

Edward C. Meagher
Attorney for Applicant
Reg. No. 41,189

CARTER, DELUCA, FARRELL & SCHMIDT LLP
445 Broad Hollow Road – Suite 225
Melville, New York 11747
(631) 501-5700

Enclosures: 1) Petition under 37 C.F.R. §1.182;
2) Copy of Notice of Omitted Item(s) in a Nonprovisional Application; and
3) Copy of Fig. 17